

ASSEMBLY BILL

No. 840

Introduced by Assembly Member Calderon

February 20, 2003

An act to add Section 1769 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 840, as introduced, Calderon. Public Utilities Commission: evidence: orders or decisions: review.

Under existing law, the commission is not required to apply the technical rules of evidence to hearings, investigations, and proceedings, which are governed by certain existing law and by rules of practice and procedure adopted by the commission.

Existing law provides for judicial review of an order or decision of the Public Utilities Commission in the courts of appeal or Supreme Court, and requires the writ of mandamus to lie from the Supreme Court and from the court of appeal to the commission in all proper cases as prescribed in a specified section of the Code of Civil Procedure.

This bill would require all evidence in any ratemaking, adjudication, or quasi-legislative case to be taken in accordance with certain existing law governing evidence in administrative proceedings. The bill would authorize judicial review of any decision of the commission pursuant to other additional provisions of the Code of Civil Procedure pertaining to the writ of mandamus. The bill would require the commission to amend its rules of practice and procedure in accordance with the requirements of this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1769 is added to the Public Utilities
2 Code, to read:
3 (a) Notwithstanding Section 1701, all evidence in any
4 ratemaking, adjudication, or quasi-legislative case shall be taken
5 in accordance with Section 11513 of the Government Code.
6 1769. (b) Notwithstanding any other provision of this article,
7 including, but not limited to, Section 1759, judicial review of any
8 decision of the commission may be had pursuant to Chapter 2
9 (commencing with Section 1084) of Title 1 of Part 3 of the Code
10 of Civil Procedure.
11 (c) The commission shall amend its rules of practice and
12 procedure in accordance with this section.

